

REMARKS

Applicant has amended claim 1 by this response. No new matter has been added by this amendment. Support for “closed bottom” and “false bottom” can be found paragraphs [0034] [0035] and [0036] of the published application.

Claims 2-4 and 10-20 were cancelled in prior responses.

Claims 1 and 5-9 are currently pending in the application.

Claims Rejections – 35 USC § 102

Claims 1, and 5-9 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,918,909 to Arlman, (“Arlman”).

This rejection is respectfully traversed.

Of the claims rejected, claim 1 is independent, with the remaining claims dependent thereon.

Amended claim 1 now recites among other things an assembly with the following features:

*an elongate tubular housing having opposed first and second ends; and
a solid partition forming a closed bottom positioned within said housing between said first and second ends;
said housing defining a volume for specimen collection and containment therein between said first end and said partition;
said second end forming a false bottom comprising a bottom end below said partition, said bottom end comprising an annular skirt and a semi-spherical bottom.*

Applicant submits that Arlman fails to disclose at least the claimed features of: a false bottom and a semi-spherical bottom.

Applicant respectfully points out that Arlman discloses an instrument having a reaction compartment (10) and a separating compartment separated from the reaction compartment. The reaction compartment is provided with a wall portion which may be rendered permeable to liquid, thereby enabling the contents of the reaction compartment to flow into the separating compartment. (See Figure 2, shown below).

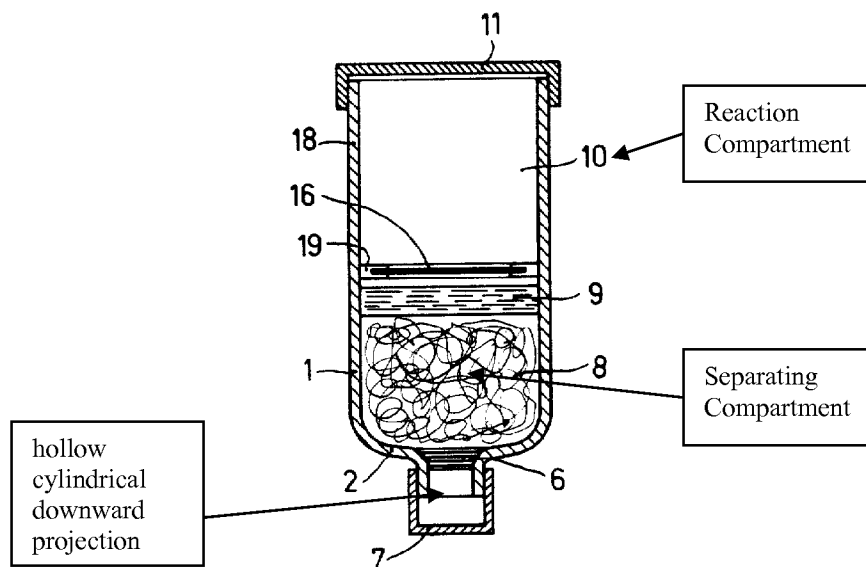


Fig.2

Thus the apparatus of Arlman fails to disclose a false bottom.

Furthermore Arlman discloses that the lower end of tubular member (1) has a hollow cylindrical downward projection (2), and as such does not have semi spherical bottom.

For these reasons applicant submits that independent claim 1 and dependent claims 5, 6, are not anticipated by the Arlman reference.

Nor would Arlman render claim 1 obvious.

There is no suggestion in Arlman whatsoever to have a false bottom within the tubular member (1). In contrast Arlman teaches that it is essential for the wall portion to be permeable to liquid so that the sample can flow from the reaction compartment to the separation compartment (see Col. 3 lines 43 to 48).

In addition there is no suggestion in Arlman to have a semi-spherical bottom at the base of the tubular member (1). In fact Arlman teaches away from a semi-spherical bottom by requiring a hollow cylindrical downward projection (2) to be provided in order to allow securement of the closing cap (7) (see Col. 4 lines 40 to 45).

Accordingly, it is submitted that the container assembly as defined by claim 1 is not taught or suggested by Arlman. In addition, claims 5-9 being dependent an amended claim 1 are likewise patentable over the cited reference.

Claims Rejections – 35 USC § 102

Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arlman.

Claims 1, 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Figures 1 and 2 of the instant application in view of Arlman.

These rejections are respectfully traversed.

Applicant submits Arlman fails to disclose, teach, or suggest the claimed assembly of amended claim 1 as discussed previously. In addition, claims 5-9 being dependent an amended claim 1 are likewise patentable over the cited reference.

Conclusion

In view of the amendment and remarks herein, applicant submits the claims are patentably distinct over the prior art and allowable in form.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 02-1666.

If the Examiner has any questions or comments relating to the present application, he or she is respectfully invited to contact Applicant's agent at the telephone number set forth below.

Respectfully submitted,

/Mark Lindsey/

Mark Lindsey
Registration No. 52,515
Agent for Applicant(s)
201 847 6262

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Becton, Dickinson and Company
1 Becton Drive, MC110
Franklin Lakes, New Jersey 07417-1880

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